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REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 1, 6, 8-11, 16, 18-21 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,983,382 (hereinafter "Pauls").

To anticipate a claims, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

Applicant's independent claims 1, 11, and 21 include limitations not disclosed nor suggested by Pauls. As a result, Pauls does not anticipate applicant's independent claims 1, 11, and 21.

In particular, applicant's independent claims include the limitation, or a limitation similar thereto, *of in response to receiving an acknowledgement, ceasing to send additional parity packets, and in response to not receiving the acknowledgment, continuing to transmit the parity packets.*

Pauls does not disclose nor suggest the claimed limitation of *in response to receiving an acknowledgement, ceasing to send additional parity packets, and in response to not receiving the acknowledgment, continuing to transmit the parity packets.* Rather, Pauls simply discloses using a modified form of the automatic retransmission query (ARQ). In particular, the ARQ disclosed by Pauls,

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requires the *retransmission* of the data when the received data includes error:

"The present invention relates generally to . . . automatic retransmission query (ARQ) for use in directing the retransmission of data packets received with errors . . ." (Pauls, col. 1, lines 7-12).

Applicant's claims, however, include the limitation of whether to continue to send additional parity packets, based on whether an acknowledgement has been sent. As a result of Pauls failing to disclose or suggest applicant's claimed limitation of whether to continue to send additional parity packets, based on whether an acknowledgement has been sent, Pauls does not anticipate applicant's independent claims 1, 11, and 21.

In addition, the remaining claims depend from one of independent claims 1, 11, and 21, and therefore include the distinguishing claim limitations of claims 1, 11, and 21, as discussed above. As a result, the remaining claims are also not anticipated by Pauls.

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CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 10/1/03

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